**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

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**WRIT PETITION NO : 10955 of 2005**

**19-12-2005**

Between:

G.Narsing Rao s/o late Chandraiah

**..... PETITIONER**

AND

1. The State of Andhra Pradesh rep. By its Secretary, Municipal Administration & Urban Development having office at Secretriat, Saifabad, Hyderabad and others`.

**.....RESPONDENTS**

**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

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**WRIT PETITION NO : 10955 of 2005**

**O R D E R:**

This writ petition has been filed by the petitioner with a prayer to issue a writ, order or direction more particularly one in the nature of Mandamus declaring the action of the respondents in not allotting quarter No.1 in the Municipal quarters in premises No.4-1-1030, situated in Junior College grounds at Korutla, Karimnagar District as

per policy contained in G.O.Ms.No.56 dated 28-10-1989 on hire purchase basis as illegal and arbitrary.

The petitioner worked as Senior Assistant in Government Junior College, Korutla, Karimnagar District. He was allotted quarter No.1, Municipal Quarters bearing House No. 4-1-1030, Junior College Ground, Korutla. Subsequently, Government came out with a policy of allotting the quarters to the occupants on hire purchase and thereupon issued G.O.Ms.No.56, dated 28-10-1989. The petitioner made an application for allotment of the quarter in his occupation on hire purchase and accordingly, the 3rd respondent-Commissioner, Korutla Municipality, recommended the case of the petitioner to the 2nd respondent. So far no orders have been passed on the application of the petitioner for allotment of quarter on hire purchase. Hence he approached this Court by invoking the jurisdiction under Article 226 of the Constitution of India with the prayer stated supra.

Counter affidavit has been filed by the respondent No.3.

It is stated in the counter affidavit that the allotment of the quarters to the occupants is not possible, since construction of 30 bed hospital has been taken up by the 3rd respondent-Municipality. I deem it appropriate to refer Para 7 of the counter affidavit and it is thus:

> "….. It is pertinent to mention here that the Health Department requisitioned to this Municipality for allotment of land for construction of 30 Bed Hospital and the 3rd respondent Municipal Counsel unanimously agreed to handover the open place including the land covered under the present quarter as the said quarter is in a dilapidated condition. The occupants of 3 quarters have already vacated taking into consideration of dire necessity of construction of Civil Hospital for the welfare of public. The petitioner cannot calim the quarter on hire purchase basis in view of the G.O.Ms.No.419, dt. 13-08-1996 and the same was allotted while he was working in the Korutla Municipality."

Heard the learned counsel for the petitioner and the learned

Standing Counsel appearing for the 3rd respondent-Municipality.

Learned counsel for the petitioner submitted that the case of the petitioner for allotment of the quarter in his occupation on hire purchase has been recommended by the 3rd respondent-Municipality under proceedings in Lr.No. 1099/A2/92 dated 11-05-1992, but the 2nd respondent –Commissioner and Director, Municipal, Hyderabad, has not passed any orders so far and thus a direction is required to be given to the 2nd respondent to pass appropriate orders on the application made by the petitioner.

Learned Standing Counsel appearing for the 3rd respondent-Municipality submitted that the Municipality has passed a resolution not to allot any land to the third party, since the same is required to be used for 30 Bed Hospital.

A fact remains that the 3rd respondent-Municipality has recommended the case of the petitioner for allotment under letter dated 11-05-1992, addressed to the 2nd respondent and it reads thus:

OFFICE OF THE KORATLA MUNICIPALITY,

DIST. KARIMNAGAR

LR.NO.1099/A2/92, date: 11-05-1992.

From: To

P.Sathyanarayana, M.A., The Commissioner & Director of

Municipal Commissioner, Municipal Administration,

Koratla Municipality. Andhra Pradesh,

H Y D E R A B A D.

Sir,

Sub: Housing –LIGH – Quarters – Allotment of LIGH Quarters on Hire- Purchase Basis-Fixation of Sale price statements – Certain information submitted – Regarding.

Ref: 1. D.O.Roc.No.15157/D1, Dt.24-4-92 from Commr. &

Dir.M.A., A.P., Hyderabad.

2. Roc.No.1087/92-A2, Dt.4-5-92 from Regional Joint

Director M.A., Warangal.

"With reference to the above subject cited, I am furnishing the information regarding the proposals for allotment of LIGH quarters on Hire Purchase basis.

1. 6(six) LIGH quarters constructed in the town Municipality.
2. the LIGH quarters are constructed in the year 1963-64 and the cost is Rs.21,600-00 for six quarters.
3. there is no single quarter is already allotted to occupiers on Hire-Purchase basis.
4. the (6) quarters proposals send to Chief Engineer (PH) Hyderabad through Executive Engineer (PH) Karimnagar for fixing the rate for allotment of LIGH quarters (Municipal Sector) on hire-purchase basis of the following employees vide G.O.Ms.No.56, Housing, Dt.28-10-1989.

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Sl. Quarter No. Name of Date of

No. employee Occupation

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1. 4-1-104 J.Sree Ramulu 11-09-1990

Jr.Asst.

2. 4-1-105 M.A.Rasheed 11-07-1990

B.C.,

3. 4-1-106 Syed Hussain, 11-10-1988

Sr.Assist.

4. 4-1-107 Narasaiah (15) Years

Fitter.

5. 4-1-108 P.Murali, B.C., 11-07-1990

6. 4-1-109 G.Narsinga Rao 01-07-1972

(Old) Sr.Asst.

(New Quarter No. is 4-1-1030)

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There is no case is pending in any Courts regarding allotment of L.I.G.H. quarters to the occupants. The sale price of Hire purchase statement is enclosed herewith.

This is for favour of kind information.

Yours faithfully,

Commissioner,

Koratla Municipality,

Copy submitted to the:

1. Chief Engineer (PH) Hyderabad for favour of kind infn.
2. Executive Engineer (PH), Karimnagar, -do-
3. Regional Joint Director, M.A., Warangal –do-

Since the recommendation has already been made by the 3rd respondent-Municipality, it is for the 2nd respondent to take appropriate decision on the recommendation and communicate the same to the petitioner. Appropriate decision does not mean that the recommendation made by the 3rd respondent-Municipality has to be considered positively.

In that view of the matter, I deem it appropriate to direct the 2nd respondent to consider the recommendation made by the 3rd respondent on the application of the petitioner for allotment of the quarter in his occupation on hire purchase within two weeks from the date of receipt of a copy of this order. If the petitioner is not already dispossessed, status-quo existing as on this day shall be maintained till the 2nd respondent takes appropriate decision on the recommendation made by the 3rd respondent on the application of the petitioner.

With the above observation, the writ petition is disposed of. No costs.

19-12-2005

Note: CC by two days

B/o Mjl/*